IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1455 OF 2003
IN
SUMMARY SUIT NO.1389 OF 2003

Dhiren Mahendra Mehta ....Plaintiff

V/s.

Prakash Hirji Gada ....Defendant

Ms.Yogini Gadakh i/b Harakchand & Co. for the Plaintiff.

Mr.S.K. Chaurasiya i/b Mr.A.M. Saraogi for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 16TH JUNE, 2005.

P.C. :

1. The suit is filed to recover the amounts due on the basis of the dishonoured cheque and writing dated 10.8.1998. The Notice of Motion is for attachment before judgment. There is no affidavit in reply filed despite the fact that time was taken earlier for the same.

2. Mr.Chaurasiya, the learned counsel appearing on behalf of the Defendant states that the Defendant

has no interest in the properties in respect whereof the attachment before judgment is sought. In that event the defendant cannot be prejudiced by the order I propose passing. Pending the hearing and final disposal of the suit, the Defendant shall not deal with, dispose off, alienate, encumber, part with possession of or create any third party right, title and/or interest in, to, upon or in respect of the properties mentioned in prayer (a) of the Notice of Motion. Needless to add that this order shall not affect the rights of or operate against any third party.

3. The Notice of Motion is accordingly disposed off.